

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**NICHOLAS T. BILLMAN,**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**CASE NO. 2:20-CV-3213**

**CRIM. NO. 2:16-CR-00043**

**JUDGE JAMES L. GRAHAM**

**Magistrate Judge Kimberly A. Jolson**

**ORDER**

On July 13, 2020, the Magistrate Judge issued a Report and Recommendation pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings recommending that this action be dismissed. (ECF No. 49.) Although the parties were advised of the right to file objections to the Magistrate Judge's Report and Recommendation, and of the consequences of failing to do so, no objections have been filed.

The Report and Recommendation (ECF No. 49) is **ADOPTED** and **AFFIRMED**. The motion to vacate (ECF No. 47) is denied. This action is hereby **DISMISSED**.

Petitioner has waived the right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Therefore, the Court **DECLINES** to issue a certificate of appealability.

**IT IS SO ORDERED.**

Date: August 4, 2020

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s/James L. Graham  
**JAMES L. GRAHAM**  
**UNITED STATES DISTRICT JUDGE**